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Calendar No. 782

99TH CONGRESS *2d Session*	SENATE	REPORT 99-376

ORIGINAL

FERNANDO ESQUIVEL, MARCOS ANTONIO ESQUIVEL, AND NIEVES JULIO ESQUIVEL

AUGUST 6 (legislative day, August 4), 1986.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1708]

The Committee on the Judiciary, to which was referred the bill (S. 1708) for the relief of Fernando Esquivel, Marcos Antonio Esquivel, and Nieves Julio Esquivel, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Fernando Esquivel, Marcos Antonio Esquivel, and Nieves Julio Esquivel. The bill provides for the payment of the required visa fees and for appropriate visa number deductions.

STATEMENT OF FACTS

The beneficiaries of the bill are 18, 17, and 15, respectively, are all natives and citizens of Mexico. They entered illegally with their natural parents in 1973. Another son, Jose, was born in 1975 in the United States. Mrs. Emma Batchelder, a naturalized U.S. citizen of Mexican birth and has been caring for the four children since June 1979, a responsibility she assumed at her brother's (the natural father) request. The parents of the boys have not been found.

Chairman Strom Thurmond has asked Honorable Alan C. Nelson to send a report on S. 1708.

Senator George J. Mitchell submitted the following information in support of his bill:

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U.S. SENATE,
Washington, DC, December 16, 1985.

Hon. ALAN K. SIMPSON,
U.S. Senate,
Washington, DC.

DEAR ALAN: I am writing to you about S. 1708, a private bill I introduced in September to provide relief for three minor children living in Leeds, Maine. A letter I sent to you in September describing in detail the circumstances surrounding these children is enclosed.

I understand the Subcommittee on Immigration and Refugee Policy met on Friday (December 13) for the first time this year. Although a member of my staff had requested the Subcommittee staff to include my bill on the agenda, S. 1708 was not considered.

As you can see from reading my initial letter to you, the boys were 6, 5, and 3 upon entering the United States. The eldest is now 18 years old and a senior in high school. As long as his status is irregular, he cannot legally work or (which he apparently wishes to do) join the armed services.

I urge your personal attention to this legislation. The case is unique in that it involves children who have grown up in the United States, speak no Spanish, and have no contact with their natural parents since 1979. I believe this case is meritorious and worthy of your consideration.

I would appreciate your assistance in holding a meeting of the Subcommittee members when Congress reconvenes in January, in which you could review my legislation. Should you require additional information, please let me know.

With best regards,

Sincerely,

GEORGE J. MITCHELL,
U.S. Senator.

U.S. SENATE,
Washington, DC, January 21, 1986.

Hon. ALAN K. SIMPSON,
Washington, DC.

DEAR ALAN: I am writing to you once again about S. 1708, a private bill I introduced in September to provide relief for three minor children living in Leeds, Maine.

I understand a member of your Subcommittee on Immigration and Refugee Policy contacted a member of my staff shortly before Christmas concerning a possible administrative alternative to S. 1708. I believe the administrative remedy to be inadequate due to the time involved and the pressure it would place on the entire Bachelder family including the three minor children involved in the legislation.

The adminstive remedy recommended to my staff by your subcommittee staff would, at the least, take three years. That process would require the Esquivel children to surrender to the INS in Boston so that deportation procedures could begin. Once begun, the boys would file for a suspension of deportation. Hearings would

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take place and the judge would have to find the children deportable. Once deportability is established, the children could then apply for benefits, and services.

My staff has spoken at great length with INS officials. Both in Boston and Washington, the INS officials have told my staff that the quickest and most practical method of regularizing the boys' status would be by private legislation. In addition, before I introduced my legislation, a member of my staff consulted with your subcommittee staff so that the types of problems I am now having would not occur. Your subcommittee staff member who has been handling immigration cases for years agreed that this particular case warranted private legislation.

The eldest boy is now 18 years old and a senior in high school. As long as his status is irregular, he cannot legally work or (which he apparently wishes to do) join the armed services. If the boys aren't subject to deportation and INS policy works against separating families by deporting selective members, I don't believe we should subject the boys and the family to lengthy deportation proceedings which would prevent them from continuing the normal life they have lead in Maine since 1979.

Again, I urge your personal attention to this legislation. The case is unique in that it involves children who have grown up in the United States, speak no Spanish, and have had no contact with their natural parents since 1979. I believe this case is meritorious and worthy of your consideration.

I would appreciate your assistance in holding a meeting of the Subcommittee members when Congress reconvenes in January, in which you could review my legislation. Should you require additional information, please let me know.

With best regards,

Sincerely,

GEORGE J. MITCHELL,
U.S. Senator.

COST

No cost would result from enactment of this bill.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b)(1), rule XXVI of the Standing Rules of the Senate, it is hereby stated that the committee anticipates that the bill will have no additional direct regulatory impact, inasmuch as it affects just three individuals.

The Committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1708) should be enacted.

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